

APPEAL NO. 040140  
FILED FEBRUARY 27, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on December 17, 2003. The hearing officer resolved the disputed issue by deciding that the appellant (claimant) did not have disability resulting from an injury sustained on \_\_\_\_\_, beginning on August 18, 2003, and continuing through the date of the hearing. Claimant appealed on sufficiency of the evidence grounds. The appeal file does not contain a response from the respondent (self-insured).

DECISION

We affirm.

We first note that claimant's appeal largely deals with whether or not she sustained a compensable injury. Injury was not an issue at the hearing and the parties stipulated that claimant had in fact sustained a compensable injury on \_\_\_\_\_.

Claimant contended that she had disability beginning on August 18, 2003. Disability is defined in Section 401.011(16) as the inability because of the compensable injury to obtain and retain employment at wages equivalent to the preinjury wage. While it is true that a bona fide offer of employment was not an issue and a release to light duty is evidence that disability continues, in this case, there was evidence that the employer offered claimant employment within her restrictions at the preinjury wage, and that claimant accepted the offer. The hearing officer could consider this as evidence that disability, as defined in Section 401.011(16), had ended. See Texas Workers' Compensation Appeal No. 021696, decided August 7, 2002; Texas Workers' Compensation Appeal No. 020526, decided April 11, 2002.

We have reviewed the complained-of determination regarding disability and conclude that the issue involved a fact question for the hearing officer. The hearing officer reviewed the record and decided what facts were established. The hearing officer specifically stated that based upon the credible evidence, claimant failed to prove that she had disability for the claimed period. We conclude that the hearing officer's disability determination is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**PD  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Robert W. Potts  
Appeals Judge